

Remarks

Status of Claims

Claims 1-24 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 25-48 have been added to further expand the claimed embodiments of the elected subject matter. New claims 25-48 find support in the claims as originally filed and throughout the specification. Specifically, support for new claims 25-48 can be found, for example, at pages 12, paragraph [0038], through page 18, paragraph [0049] (HFXHC41); page 72, gene # 4, in Table 1 (HFXHC41/SEQ ID No:48); page 15, paragraph [0044] (30 and 50 contiguous amino acids); page 96, paragraph [0253], through page 105, paragraph [0275] (antibodies; including polyclonal, monoclonal, humanized, chimeric, single chain, or Fab fragments); page 118, paragraph [0309] (ELISA); page 91, paragraph [0242] (Western); page 115 through page 116, paragraph [0300] (labeled antibody); page 139 through page 140, paragraph [0380] (glycosylated polypeptides); and Example 22, on page 262, paragraph [0831], through page 263, paragraph [0385] (detecting a polypeptide in a biological sample). Accordingly, no new matter has been added. Upon entry of the present amendment, claims 25-48 will be pending.

Election

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-24 were separated into 308 different groups *See*, Paper No. 17092005, pages 2-6. The Examiner has required election of one invention to be examined Paper No. 17092005, page 13.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group 72 (*i.e.* claim 13, drawn to the antibodies that specifically bind SEQ ID NO. 48 polypeptide), for further prosecution. Thus, new claims 25-36 and 39-45 are directed to subject matter falling within the ambit of Group 72 as cast by the Examiner. Furthermore, Applicants respectfully request a search and examination of claims 37-38 and 46-48 (drawn to an isolated cell, hybridoma, or methods of detecting) upon allowance of generic claim 25.

Change of Title

Applicants have amended the pending claims in the present application to be drawn to HFXHC41 antibody embodiments (to accommodate the Restriction Requirement mailed September 22, 2005; Paper No. 17092005). As such, Applicants have also amended the Title of the present application to reflect the claimed antibody embodiments.

Request for Change of Inventorship under 37 CFR § 1.48(b)

Applicants have amended the claims in the present application to be drawn to HFXHC41 antibody embodiments. In this regard, the undersigned has been informed that the inventive entity of the subject matter encompassed by the elected claims is: Steven M. Ruben, Craig A. Rosen, and Kimberly A. Florence. Accordingly, Applicants request that the presently allowed application be amended to show the above three persons as inventors. Thus, please remove the following names from the list of inventors: Jian Ni, Reinhard Ebner, Paul E. Young, Charles E. Birse, Kenneth C. Carter, and George Komatsoulis.

Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for further examination. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees not already accounted for due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time not already accounted for under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: January 23, 2006

Respectfully submitted,

By 

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